

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>ERIK HERZFELD,</b>	:	
<b>Plaintiff,</b>	:	<b>07 CIV 9439 (DLC)</b>
		<b>ECF Case</b>
<b>- against -</b>		:
<b>JPMORGAN CHASE &amp; COMPANY,</b>	:	<b><u>DEFENDANT'S RULE 26(a)</u></b>
<b>Defendant.</b>	:	<b><u>INITIAL DISCLOSURES</u></b>
		:

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Defendant JPMorgan Chase Bank (hereafter "JPMorgan"), by its attorneys, the JPMorgan Legal Department, respectfully submits its initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) as follows:

- A. In addition to Plaintiff Erik Herzfeld and any persons identified in Plaintiff's Initial Disclosures, and pending further discovery and information during the discovery process, the following individuals may have discoverable information that Defendant may use to support its answers or defenses in this action.

NAME	ADDRESS/TELEPHONE	SUBJECT MATTER
Steve Baker	Defendant will supplement with last known address information	Knowledge of Plaintiff's employment during the relevant time period
Neeraj Bewtra	Available through Defense Counsel	Knowledge of Plaintiff's employment during the relevant time period
Bart Broadman	29 Mount Sinai Rise #22-02 Marbella Singapore 276952	Knowledge of Plaintiff's employment for JPMorgan in Singapore and the circumstances of Plaintiff's job transfer from Singapore to New York.

NAME	ADDRESS/TELEPHONE	SUBJECT MATTER
Patrik Edsparr	Available through Defense Counsel	Knowledge of the facts and circumstances of Plaintiff's job transfer to from Singapore to New York.
Ruth Ferguson	917 Park Avenue Hoboken, NJ 07030	Knowledge of Plaintiff's employment during the relevant time period and Plaintiff's termination of employment with JPMorgan
Derek Kaufman	Available through Defense Counsel	Knowledge of Plaintiff's employment during the relevant time period and Plaintiff's termination of employment with JPMorgan
Ryan Leftwich	Defendant will supplement with last known address information	Knowledge of Plaintiff's employment during the relevant time period

JPMorgan hereby expressly reserves its right to supplement these disclosures with the name of experts, if any, when identified. JPMorgan hereby expressly reserves the right to rely upon additional witnesses, if necessary, for purposes of impeachment.

B. Documents, data compilations, and tangible things that the disclosing party may use to support its claims and defenses include:

1. Any files maintained or obtained by JPMorgan's Human Resources Department, Employee Records department and/or Plaintiff's former managers concerning Plaintiff and the relevant issues in this lawsuit, including relevant compensation and trading records
2. Portions of any applicable and relevant JPMorgan policies and procedures; and
3. Any copies of relevant documents and/or communications between JPMorgan and its agents and Plaintiff; between JPMorgan and others, or between Plaintiff and others relevant to the allegations in this lawsuit.

JPMorgan hereby expressly reserves the right to use any documents: (1) discovered and produced to Plaintiff at a later date, (2) which Plaintiff produces to JPMorgan, (3) which the parties may be ordered to produce or (4) which may be obtained from third parties at a later date by subpoena or otherwise. JPMorgan further expressly reserves its right to rely upon additional documents for purposes of impeachment.

- C. Defendant contends that Plaintiff has suffered no damages. Defendant may seek fees and costs associated with this litigation.
- D. JPMorgan does not have any insurance agreement applicable to this matter.

Dated: New York, New York  
February 1, 2008

**J. P. Morgan Chase Legal Department**

By: Stephanie E. Sowell  
Stephanie E. Sowell  
Attorney(s) for Defendant(s)  
JPMorgan Chase Bank, N.A.  
One Chase Manhattan Plaza, 26th Floor  
New York, New York 10081  
[Stephanie.E.sowell@jpmchase.com](mailto:Stephanie.E.sowell@jpmchase.com)  
(212) 552-0929

To: John T. Sartore, Esq.  
Paul, Frank & Collins, P.C.  
One Church Street  
Burlington, Vermont 05402

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SOUTHERN DISTRICT OF NEW YORK

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ERIK HERZFELD,

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Plaintiff,

: 07 CIV 9439  
ECF Case

- against -

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JPMORGAN CHASE & COMPANY,

:

Defendant.

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STATE OF NEW YORK )  
                      )  
                      ) ss.:  
COUNTY OF NEW YORK )

Stephanie E. Sowell, being duly sworn, deposes and says, that deponent is not a party to the action, is over eighteen years of age and is employed by JPMorgan Chase Bank, and that on the 1<sup>st</sup> of February 2008, deponent served the within:

**DEFENDANT'S RULE 26(a) INITIAL DISCLOSURES**

directed to the attorney for Plaintiff via Federal Express:

John T. Sartore, Esq.  
Paul Frank & Collins, P.C.  
1 Church Street, P.O. Box 1307  
Burlington, VT 05402-1307

Stephanie E. Sowell

Sworn to before me this  
15<sup>th</sup> day of February, 2008

Vivian Patricia Falogni  
Notary Public

VIVIAN PATRICIA FALOGNI  
Notary Public, State of New York  
No. 41-4635578  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires April 30, 2009